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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,428	12/12/2003	John M. Tiesler	04118	1427
23688	7590	12/28/2004	EXAMINER	
Bruce E. Harang PO BOX 872735 VANCOUVER, WA 98687-2735			GORDON, STEPHEN T	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/707,428		TIESLER, JOHN M.	
	Examiner		Art Unit	
	Stephen Gordon		3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-12-03</u> . | 6) <input type="checkbox"/> Other: _____  |

#### DETAILED ACTION

1. Claims 7-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 11-16-04.
2. It is requested that applicant cancel non-elected claims 7-19 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. The disclosure is objected to because of the following informalities: line 1 of paragraph 20 is generally awkward, and "a" on the line could be deleted to correct this defect.

Appropriate correction is required.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, "either side" in line 1 lacks clear antecedent basis and could be written as --a left or right side—for clarity. Additionally, "either side" in the next to last line could be written as --either of said sides—for clarity if the above suggestion is adopted. Finally, it is noted that a space should be included between the two words on line 2 of claim 1.

Re claim 6, "said visor frame members" bridging lines 1 and 2 lacks clear antecedent basis and could be written as --said frame upper, said frame lower,-- for clarity as best understood.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1 and 6, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Hobsen et al '920.

Hobsen et al (figure 9 embodiment) teaches a visor assembly which could be used on both sides of a vehicle including elements broadly readable on a frame upper (216) and a frame lower (232) which are permanently fixed together as broadly claimed. Element 214 defines a panel between the frame elements, and at least element 234 defines an ear attached to the frame upper as broadly claimed.

Re claim 6, cover 34 for the frame elements and panel defines a textured outer surface as broadly claimed.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Brady.

Takahashi (figure 5 embodiment) teaches a visor which could be used on either side of a vehicle including a separate frame upper and lower (elements 6 – figure 6) and a panel 2 mounted between the frame elements.

Takahashi fails to teach a movable ear as recited.

Brady teaches a visor which can be used on either side of a vehicle which includes a movable ear (at 26) attached at an end of the frame to allow closer positioning of the visor with the vehicle structure to better place the visor out of the way of a user – e.g. see section 1, lines 18-24 and section 2, lines 16-21.

In order to provide a visor which can be better positioned out of the way of a user, it would have been obvious to one of ordinary skill in the art to provide a movable ear section at the end of the frame elements of Takahashi in view of the teachings of Brady.

Re claim 4, the panel 2 of Takahashi includes perforations 1.

9. Claims 2 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Brady and further in view of Greig.

Takahashi (figure 5 embodiment) teaches a visor which could be used on either side of a vehicle including a separate frame upper and lower (elements 6 – figure 6) and a panel 2 mounted between the frame elements.

Takahashi fails to teach a movable ear as recited.

Brady teaches a visor which can be used on either side of a vehicle which includes a movable ear (at 26) attached at an end of the frame to allow closer

positioning of the visor with the vehicle structure to better place the visor out of the way of a user – e.g. see section 1, lines 18-24 and section 2, lines 16-21.

In order to provide a visor which can be better positioned out of the way of a user, it would have been obvious to one of ordinary skill in the art to provide a movable ear section at the end of the frame elements of Takahashi in view of the teachings of Brady.

Re claims 2 and 3, Takahashi further teaches that the panel 2 is fixed between the frame upper and the frame lower (6's) and that these elements (2,6) are welded together via high frequency welding – see section 3, lines 14-23.

Takahashi fails to teach specifically heat welding.

Greig teaches a visor assembly which relies on heat welding to fuse two thermoplastic frame members 16,18 together.

If thermoplastic materials were more readily available or inexpensive in a given market, it would have been obvious to one of ordinary skill in the art to substitute thermoplastic materials that are heat welded together for the high-frequency welded materials of Takahashi (as modified by Brady) in view of the teachings of Greig.

10. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Brady and further in view of Masi.

Takahashi (figure 5 embodiment) teaches a visor which could be used on either side of a vehicle including a separate frame upper and lower (elements 6 – figure 6) and a panel 2 mounted between the frame elements.

Takahashi fails to teach a movable ear as recited.

Brady teaches a visor which can be used on either side of a vehicle which includes a movable ear (at 26) attached at an end of the frame to allow closer positioning of the visor with the vehicle structure to better place the visor out of the way of a user – e.g. see section 1, lines 18-24 and section 2, lines 16-21. In order to provide a visor which can be better positioned out of the way of a user, it would have been obvious to one of ordinary skill in the art to provide a movable ear section at the end of the frame elements of Takahashi in view of the teachings of Brady.

Re claim 5, Takahashi teaches that the panel 2 is perforated with holes 1 but fails to teach the specific hole size and spacing as recited.

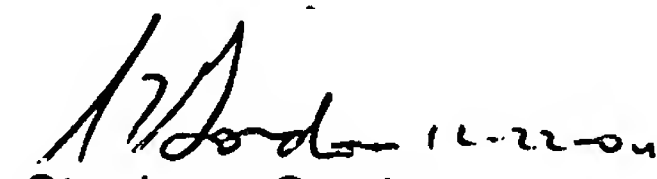
Masi teaches a perforated vehicle visor to reduce sun glare in which the perforations have an idealized diameter of 0.5 to 1.5mm and are spaced a distance between 1.5 and 4mm.

In order to obtain a desired optimal level of sun glare reduction, it would have been obvious to one of ordinary skill in the art to size/space the perforations of Takahashi as modified by Brady to include 1.5mm diameter holes spaced at 4mm which reads on the claim 5 language as broadly recited.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Sturt et al additionally teaches a perforated vehicle visor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen Gordon  
Primary Examiner  
Art Unit 3612

stg